

## HUMAN SERVICES BOARD

## INTRODUCTION

## FINDINGS OF FACT

1. The petitioner is disabled and lives in a Section 8 subsidized apartment that includes heat, but not electricity, as part of his rent. The Department does not dispute that he has a medical condition that makes it necessary for him to have air conditioning in the summer.

2. The petitioner maintains that his electricity bill averages about \$30 per month in the winter and an additional \$15 to \$30 in the summer when he runs his air conditioner.<sup>1</sup>

3. The Department allows the petitioner a "standard" utility expense of \$149 a month. This standard allowance applies to all Food Stamp recipients who live in rentals that include heat. The petitioner concedes that his utility expenses, even with the air conditioning, do not approach this amount.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations limit deductions from income to those specifically itemized in the regulations. Food Stamp Manual (F.S.M.) § 273.9(d). Under Section (6) of the above regulation, Vermont allows households a standard deduction for utility expenses depending whether or not heat is included in their rents. As noted above, the standard utility allowance applicable to the petitioner's housing situation is \$149 a month. See P-2590A.

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<sup>1</sup> It would not be difficult to believe that the petitioner's electric use so far this summer exceeds even these amounts.

Households with disabled individuals are also entitled to deduct certain medical expenses from their incomes. Section (3) of the above regulation states that "allowable medical costs are": doctor and dentist visits; hospital treatment; prescription and required over-the-counter medications; health insurance premiums, including Medicare; dentures, hearing aids, and prosthetics; seeing eye dog expenses; eyeglasses; and medically necessary transportation expenses. Inasmuch as the above list is exclusive, it would not appear that the petitioner's increased utility bills could be included in this category. Even if it could, however, there is no dispute that the standard allowance the petitioner already receives for utilities more than covers his actual expenses in this regard.

Thus, it cannot be concluded that the regulations require or contemplate a separate deduction for utility expenses that are incurred pursuant to a medical need. Inasmuch as the Department's decision is in accord with the regulations the Board is bound by its rules to affirm. 3 V.S.A. 3091(d), Fair Hearing Rule No. 17.

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